

# EXHIBIT A

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LISA MENNINGER,

Plaintiff,

v.

PPD DEVELOPMENT, L.P.,

Defendant.

Civil Action No. 1:19-CV-11441-LTS

**AFFIDAVIT OF RACHEL REINGOLD MANDEL**

I, Rachel Reingold Mandel, hereby depose and state as follows:

1. I am counsel for the Defendant in the above-captioned matter, PPD Development, L.P. (“PPD”). I make this statement in support of PPD’s Motion *In Limine* To Bar Argument Or Statements To The Jury That It May Draw Inferences Adverse To Defendant Based On The Absence Of Hacene Mekerri.

2. At his deposition in this action on July 20, 2020, Hacene Mekerri testified that he was based in Singapore, and that he was in Singapore at the time of the deposition. I have attached hereto, at Tab 1 a true and accurate copy of excerpts from the deposition in this action of Hacene Mekerri on July 20, 2020.

3. To the best of my knowledge, information, and belief, Mr. Mekerri is still in Singapore.

4. Over the past several months, I have attempted numerous times to contact Mr. Mekerri in an effort to secure his presence and testimony as a witness at the trial of this action.

5. Mr. Mekerri has not responded to my efforts to arrange for his presence at trial.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 10<sup>th</sup> DAY OF MARCH, 2023.



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Rachel Reingold Mandel

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on March 10, 2023.

/s/ Patrick M. Curran, Jr.  
Patrick M. Curran, Jr.

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**TAB 1**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\* \* \* \* \*

LISA MENNINGER, \*

Plaintiff, \*

vs. \* 1:19-cv-11441

PPD DEVELOPMENT, L.P., \*

Defendant. \*

\* \* \* \* \*

ZOOM DEPOSITION OF HACENE MEKERRI

SINGAPORE

July 20, 2020 6:06 a.m.

Maryellen Coughlin, RPR/CRR

1 APPEARANCES:

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18 PRESENT: Lisa Noecker

19 Alexander Shaw

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1 I N D E X

2 EXAMINATION PAGE

3 BY MR. HANNON 4

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5 EXHIBITS

6 NO. DESCRIPTION PAGE

7 1 Document (MENNINGER 000458 - 204

8 459)

9 2 Email chain (PPD\_MENNINGER 204

10 001227 - 1231)

11 3 Email chain with attachments 204

12 (PPD\_MENNINGER 001239 - 1243)

13 4 Email chain (PPD\_MENNINGER 205

14 001760 - 1763)

15 5 Email chain (PPD\_MENNINGER 205

16 000872 - 878)

17 6 Email chain (PPD\_MENNINGER 205

18 000866 - 870)

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1 P R O C E E D I N G S

2 HACENE MEKERRI,

3 having been first duly sworn, was examined

4 and testified as follows:

5 EXAMINATION

6 BY MR. HANNON:

7 Q. Mr. Mekerri, good evening to you.

8 My name is Patrick Hannon. I represent Lisa

9 Menninger in connection with this action. Thank

10 you for taking the time to speak with us via

11 videoconference. And just for the record, can

12 you identify where you are at present?

13 A. Sure. I'm based in Singapore.

14 Q. And, Mr. Mekerri, have you ever had

15 the pleasure of being deposed before?

16 A. No.

17 Q. So just so you understand some of

18 the background procedures, so to speak,

19 everything that you and I say is being taken down

20 by the stenographer. So, one, it's important

21 that she hears everything. So if you can do your

22 best to speak slowly and clearly into the

23 microphone, that would be great. Likewise, it's

24 important that you and I not speak at the same

1 time. So if you can try your best to make sure  
2 that I'm done talking before you start answering,  
3 I'll do my best to make sure you're done  
4 answering before I start talking again. Sound  
5 good?

6 A. Yes.

7 Q. Okay. Are you currently employed?

8 A. Yes, I am.

9 MS. MANDEL: Patrick, can I just  
10 stop you for a minute? I just wanted to  
11 establish a couple of things. Because we are  
12 using Zoom, obviously this is not what we  
13 typically do for a deposition, I just wanted to  
14 establish, as far as I can tell, this is not  
15 being recorded as a Zoom session. The only  
16 method of recording we have is Maryellen's  
17 stenography work in the background; is that  
18 correct.

19 MR. HANNON: That is correct, yes.

20 MS. MANDEL: Okay. Also, again,  
21 just before you jump in, I want to confirm, are  
22 we doing usual stipulations?

23 MR. HANNON: Depending upon what  
24 you regard as usual stipulations.

1 MS. MANDEL: Well, we do want to  
2 reserve the right to read and sign.

3 MR. HANNON: Agreed.

4 MS. MANDEL: We are agreeing  
5 preserving objections as to form for the time  
6 being.

7 MR. HANNON: I'm sorry, reserving  
8 exceptions as to form?

9 MS. MANDEL: You know, marking them  
10 on the record, yes.

11 The only other thing --

12 MR. HANNON: So just to be clear,  
13 so all objections, except as to the form of the  
14 question, are being reserved 'til the time of  
15 trial?

16 MS. MANDEL: Yes.

17 MR. HANNON: Agreed.

18 MS. MANDEL: The other thing I just  
19 wanted to just note on the record is that it  
20 seems that there might be just a hair of delay  
21 when Mr. Mekerri answers probably because of  
22 whatever internet connections we're all using.  
23 So I just wanted to note for the record. And I  
24 know you mentioned, of course, that you and

1 Mr. Mekerri will wait for one another to finish  
2 speaking but that we'd probably need to, you  
3 know, leave another additional second of lag time  
4 because of the connection.

5 MR. HANNON: Okay. Anything else?

6 MS. MANDEL: No.

7 Q. Okay, great. So, Mr. Mekerri, how  
8 are you presently employed?

9 A. I work for Biomedical and Life  
10 Science Solutions. It's a company that I set up  
11 when I came here in Singapore for consistency for  
12 supporting laboratory and pharmaceutical. To  
13 support pharmaceutical companies, as well as, you  
14 know, players from the clinical trials to work  
15 here in Asia Pacific.

16 Q. And Mr. Mekerri, when did you form  
17 this consultancy?

18 A. It was in -- when I arrived here,  
19 some months after. So I would say probably May,  
20 May or June. I'll have to come back to you with  
21 the date.

22 Q. Would that be May or June of this  
23 year, 2020?

24 A. No, 2019. But it might be later.

1 I arrived here, in Singapore, in April. So it  
2 took me some time really to register the company,  
3 but it might be that we registered in summer. So  
4 probably July or August. I don't have the date  
5 in mind.

6 Q. Okay. And what did you do for work  
7 prior to starting this consultancy you've  
8 referenced?

9 A. I was working for PPD. So I was  
10 the vice president of global central lab and  
11 vaccine.

12 Q. And what was your title immediately  
13 prior to leaving PPD?

14 A. Prior to leaving PPD, vice  
15 president of global central lab and vaccine.

16 Q. For how long were you in that  
17 position?

18 A. Three years.

19 Q. And how were you employed prior to  
20 that?

21 A. I was working for another large CRO  
22 in China, LabCorp, and I was the managing  
23 director for Asia Pacific.

24 Q. And for how long were you at

1 me.

2 Q. Okay. And who was that person?

3 A. Again, you know, it was quite some  
4 time, but we had one of the lab leaders that was  
5 reporting to -- I think we better check with the  
6 PPD team because, I'm sorry, I don't really  
7 recall the org chart when I left. We were  
8 working really on ensuring that we had the  
9 coverage I remember. So there might be some  
10 changes that has been made. So I think better we  
11 work with the PPD for providing you with the org  
12 chart.

13 Q. When did your employment with PPD  
14 end?

15 A. It was February 2019.

16 Q. And how did the end of your  
17 employment come about?

18 A. It was my decision to leave PPD. I  
19 worked there for two years, and I've had, you  
20 know, the privilege to serve the central lab, the  
21 vaccine business. And I've been working on my  
22 succession plan for quite some time. And  
23 we've -- I've had -- you know, we've had great  
24 success with the team. So we met our objectives.